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REMARKS

The Examiner's comments and Office Action mailed July 16, 2003, have been carefully considered. The Examiner's objections to the drawings 1-4 have been noted. The Examiner's rejection of claims 1-18 under 35 U.S.C. §112, first paragraph as adding new matter is noted.

The Examiner's rejection of claims 1-3, 6-10, 12, and 14-18 under 35 U.S.C. §103(a) in view of *Carter et al.* (U.S. Patent No. 4,702,381) is noted. The Examiner's rejection of claim 4 under *Carter et al.* and in further view of *Pirraglia et al.* (U.S. Patent No. D390,403) is noted. The Examiner's rejection of Claims 5 and 13 under 35 U.S.C. §103(a) over *Carter et al.* in further view of *Inteso* (U.S. Patent No. 4,598,488) is noted. The Examiner's rejection of claims 5, 11 and 13 under 35 U.S.C. §103(a) as unpatentable under *Carter et al.*, and further in view of *Brach Jr. et al.* (U.S. Patent No. 5,487,203) is noted. The Examiner's rejection of claims 1-3, 6-10, 12 and 14-18 under 35 U.S.C. §103(a) as unpatentable under "Scotch-Brite" pads is noted. The Examiner's rejection of claim 4 under 35 U.S.C. §103(a) as unpatentable under "Scotch-Brite" pads in view of *Demner* (U.S. Patent No. 3,496,589) is noted. The Examiner's rejection of claims 5 and 13 under 35 U.S.C. 103(a) as unpatentable under "Scotch-Brite" pads in further view of *Rogers et al.* (U.S. Patent No. 5,133,707) and *Brach Jr. et al.* is noted.

The applicant also expresses appreciation for the telephonic interview of June 24, 2003 wherein this application was discussed. During the interview, the Examiner and the attorney for the applicant primarily discussed *Carter et al.*, the substance of which is further presented below. Applicant maintains, however, that the Examiner has plainly misapplied applicant's teachings against her.

Objections to the Specification

The Examiner objected to the drawings 1-4. The Examiner noted that each of the figures must be separately labeled, i.e., Fig. 1A, Fig. 1B, etc. The Applicant notes, however, that corrected drawings were provided to the Examiner on June 3, 2003, only the figure numbers have been added. Withdrawal of the objection is respectfully requested.

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The Examiner also rejected claims 1-18 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and objected to claims 1, 6, 14 and 18 as lacking antecedent basis, in that such claims were amended to include “auto” and “furniture.” In response, claims 1, 6, 14 and 18 have been amended to delete “auto” and “furniture” and replace the same with “car” and “table,” respectively.

Obviousness Under 35 U.S.C. §103(a) in View of *Carter et al.*

The Examiner rejected claims 1-3, 6-10, 12, and 14-18 under 35 U.S.C. §103(a) as being obvious over *Carter et al.* The Examiner noted that *Carter et al.* discloses “His” and “Hers” towels. The Examiner considered the indicia thereon to be the indicia indicating articles to be cleaned, i.e., a man’s body, face, etc., and a lady’s body, face, etc. The Examiner further noted, without support in the reference, that these towels can be used for cleaning the man’s or ladies’ hands, body, face, car, shoes, bathroom, sinks, counters, walls floors, etc.

In response, the Applicant again notes that nowhere does *Carter et al.* indicate that the intended cleaning application for the article disclosed therein would be even remotely associated with cleaning a surface selected from a group consisting essentially of dishes, glassware, cooking pots and pans, kitchen counters, kitchen cabinets, kitchen sinks, dining tables and other surfaces that are used during the food preparation process, toilets, tubs, sinks, floors, walls, autos, boats, windows and furniture, as presently claimed.

The towel of *Carter et al.* simply does not serve the same purpose as the present invention. Rather, the towel of *Carter et al.* is akin to underwear with the days of the week on them, socks with an engraved logo on them, or a fraternity/sorority jacket with personal names on them. None of these things address a system for cleaning household/industrial fixtures.

When a consumer purchases a towel as disclosed by *Carter et al.*, the Examiner must concede that such towel does not come with instructions about how or where to clean with them. A towel as disclosed by *Carter et al.*, rather, is meant to be placed in the bathroom for a couple, married or otherwise, and are decorative in nature. They have never been sold as a cleaning identification system.

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Therefore, the only similarity a towel as disclosed by *Carter et al.* may have with the present invention is that words are written on them. Yet the words used for the present invention have a very different purpose and function, that is, to enable to user to use the items throughout the house, business, or institution for specific cleaning tasks, unlike the towel disclosed by *Carter et al.* Indeed, the Examiner points to nothing suggesting that the towel disclosed by *Carter et al.* has ever been sold as a part of a cleaning system. Instead, the prior art is for personal use and/or decorative purposes.

The towel disclosed by *Carter et al.* differs from the present invention in at least the following aspects:

1. The towel disclosed by *Carter et al.* does not identify a cleaning identification system for households or institutions.
2. The towel disclosed by *Carter et al.* does not disclose a system that addresses food borne cross-contamination issues in kitchen.
3. The towel disclosed by *Carter et al.* is not used to identify specific cleaning tasks for bathroom, kitchen, or other household fixtures or furniture.
4. The towel disclosed by *Carter et al.* does not have a specific purpose that includes cleaning areas in the home or business for specific purposes.
5. The towel disclosed by *Carter et al.* is purely for personal use; it is not for cleaning kitchen and bathroom fixtures.

The reference also does not teach a plurality of cleaning articles. It discloses only one towel and provides no teaching of using the indicia (32) to distinguish one cleaning application from another. Certainly, the reference does not teach a plurality of cleaning articles, each having a different indicia corresponding to a different intended cleaning application to clean a surface selected from a group consisting essentially of dishes, glassware, cooking pots and pans, kitchen counters, kitchen cabinets, kitchen sinks, dining tables and other surfaces that are used during the food preparation process, toilets, tubs, sinks, floors, walls, autos, boats, windows and furniture. There is no basis whatever in the reference or in any other art made available to the Applicant in this action that one would provide a plurality of such cleaning

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articles in the identification system set forth in the presently claimed invention. Thus, the Applicant respectfully requests reconsideration of the foregoing rejection.

The Examiner's comments that the towels of *Carter et al.* could be used to clean cars, shoes, bathrooms, sinks, counters, walls, floors, etc. misses the point -- *Carter et al.* does not distinguish between cleaning articles to clean different surfaces. The towels of *Carter et al.* do not say "floor." Rather, the towels only say "HIS." The crux of the invention is that the indicia have some relation to the surface to be cleaned. *Carter et al.* entirely fails in this regard as applied by the Examiner.

What is obvious here is that the Examiner has plainly applied the teachings of the applicant against her. This is simply wrong and contrary to law. To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. MPEP 2143; *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Moreover, when an examiner relies on asserted general knowledge to negate patentability, as has happened here, that knowledge must be articulated and placed on the record. See *In re Lee*, 277 F.3d 1338, 1345, 61 USPQ2d 1430, 1433-35 (Fed. Cir. 2002). See also *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). There is simply nothing in the primary reference of *Carter et al.* that suggests, much less teaches, the presently claimed invention. Reconsideration is requested.

Obviousness Under 35 U.S.C. §103 Over *Carter et al.* In View of *Pirraglia et al.*

The Examiner rejected claim 4 under *Carter et al.*, as discussed above, and in further view of *Pirraglia et al.* under 35 U.S.C. §103(a), contending that the latter reference shows the idea of making the outline of a towel in the shape of a person. In response, Applicant respectfully disagrees. *Pirraglia et al.*, at best, shows a single angel and not a specific

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intended cleaning application for cleaning a surface selected from a group consisting essentially of dishes, glassware, cooking pots and pans, kitchen counters, kitchen cabinets, kitchen sinks, dining tables and other surfaces that are used during the food preparation process, toilets, tubs, sinks, floors, walls, cars, boats, windows and tables. Since it cannot be disputed that angels do not require cleaning, *Pirraglia et al.* cannot be viewed as disclosing a specific intended cleaning application having an indicia in the form thereof. Moreover, the outline of the towel of *Pirraglia et al.* does not disclose or teach a cleaning application for cleaning a surface selected from a group consisting essentially of dishes, glassware, cooking pots and pans, kitchen counters, kitchen cabinets, kitchen sinks, dining tables and other surfaces that are used during the food preparation process, toilets, tubs, sinks, floors, walls, cars, boats, windows and tables that is capable of distinguishing one from another cleaning application, nor does it disclose a plurality of cleaning articles or applications. Accordingly, *Pirraglia et al.* suffers from the same deficiency as *Carter et al.* Reconsideration of the rejection is respectfully requested.

Obviousness Under 35 U.S.C. Under *Carter et al.* In View of *Inteso*

The Examiner rejected claims 5 and 13 under 35 U.S.C. as being unpatentable over *Carter et al.* as applied above, and in further view of *Inteso*. The Examiner noted that it would have been obvious in view of *Inteso* to modify *Carter et al.* by making the indicia raised. In response, the Applicant requests reconsideration in view of the otherwise allowability of claims 1 and 6, from which claims 5 and 13 ultimately depend. Moreover, there is no teaching in either reference to obtain the claimed combination.

Obviousness Under 35 U.S.C. 103 Under *Carter et al.* In View of *Brach Jr., et al.*

The Examiner rejected claims 5, 11 and 13 under 35 U.S.C. §103(a) as being unpatentable over *Carter et al.*, as applied above and in further view of *Brach Jr., et al.* The Examiner contended that *Brach Jr., et al.* further teaches the idea of making the indicia raised, which would create a more aesthetically pleasing display. Moreover, the Examiner contended that *Brach Jr., et al.* teaches the idea of making the indicia recessed, which the Examiner likewise contended would be a more aesthetic display.

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In response, the Applicant requests reconsideration in view of the allowability of otherwise allowable claims 1 and 6, from which claims 5, 11 and 13 ultimately depend and the failure of the art to suggest the combination.

Obviousness Under 35 U.S.C. §103 Under "Scotch-Brite" Pads

The Examiner rejected claims 1-3, 6-10, 12 and 14-18 under 35 U.S.C. §103(a) as being unpatentable over "Scotch-Brite" scour pads with indicia. The Examiner contended that the "Scotch-Brite" scour pads teaches a scouring pad with indicia thereon. The Examiner notes that the "Scotch-Brite" scour pads also indicates that another product, "Scotch-Brite" cookware sponge, could be used on tubs. The Examiner admitted that the "Scotch-Brite" scour pads, however, do not specifically show a second cleaning article for cleaning a different article. However, the Examiner considered it obvious to one with ordinary skill in the art to modify the "Scotch-Brite" scour pads with indicia by adding a "Scotch-Brite" cookware sponge, since this would allow a wider range of articles to be properly cleaned within a household. With regard to claim 10, the Examiner further noted that the "Scotch-Brite" scour pads do not disclose whether the indicia has color which is different than the color of the pad, it would have been obvious to do so.

In response, the Applicant respectfully submits that nothing in the "Scotch-Brite" scour pads suggests, teaches or indicates the desirability of providing a plurality of cleaning articles, each having a different cleaning application for cleaning a surface selected from a group consisting essentially of dishes, glassware, cooking pots and pans, kitchen counters, kitchen cabinets, kitchen sinks, dining tables and other surfaces that are used during the food preparation process, toilets, tubs, sinks, floors, walls, autos, boats, windows and furniture. Specifically, the reference itself teaches that the "Scotch-Brite" scour pads with identical indicia thereon can be used in "all heavy duty jobs like cast iron pots, stoves, bumpers, broilers, garden tools, grates, grills and white-wall tires." If anything, the reference teaches that every cleaning article should be the same! The other "Scotch-Brite" products recited are different product lines sold as one off products. They are not provided as a plurality of

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differently marked products bearing different indicia, each indicia signifying a different cleaning application. Accordingly, reconsideration is respectfully requested.

Obviousness Under 35 U.S.C. Over "Scotch-Brite" In View of *Damner*

The Examiner rejected claim 4 under 35 U.S.C. §103(a) as unpatentable over "Scotch-Brite" as set forth above, in further view of *Damner*, showing the figure of the cleaning article in the shape of the article to be cleaned. While Applicant admits that the *Damner* reference teaches a cleaning article having the shape of the intended cleaning application, it does not in any way, shape or form disclose the plurality of such articles having a different intended cleaning application for cleaning a surface selected from a group consisting essentially of dishes, glassware, cooking pots and pans, kitchen counters, kitchen cabinets, kitchen sinks, dining tables and other surfaces that are used during the food preparation process, toilets, tubs, sinks, floors, walls, autos, boats, windows and furniture. Nor do its teachings suggest to motivate one having skill in the art to effect such system. Accordingly, Applicant requests reconsideration.

Obviousness Under 35 U.S.C. Under "Scotch-Brite" In Further View of *Rogers et al.*

The Examiner rejected claims 5 and 13 under 35 U.S.C. §103(a) as unpatentable over "Scotch-Brite" in further view of *Rogers et al.* The Examiner applied the "Scotch-Brite" reference as disclosed above, but did not disclose the idea of making the indicia raised. The Examiner noted that *Rogers et al.* teaches the idea of embossing the indicia on a sheet. In view of *Rogers et al.*, the Examiner contended it would have been obvious to one with skill in the art to modify the "Scotch-Brite" pads by making the indicia raised.

In response, the Applicant respectfully requests reconsideration. There is not one teaching, motivation or suggestion in either of *Damner et al.* or "Scotch-Brite" to effect the combination described therein. Moreover, in view of the fact that claims 5 and 13 ultimately depend from otherwise allowable independent claims, reconsideration is respectfully requested.

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Obviousness Under 35 U.S.C. §103(a) Under

"Scotch-Brite" In View of *Brach Jr. et al.*

The Examiner rejected claims 5 and 13 under 35 U.S.C. §103 as being unpatentable over "Scotch-Brite" as applied above in further view of *Brach Jr. et al.* *Brach Jr. et al.* was asserted as disclosing the idea of making raised or recessed indicia to create a more aesthetically pleasing display.

In response, Applicant requests reconsideration in view of the otherwise allowability of claims 1 and 6 from which claims 5 and 13 ultimately depend, there being no motivation, suggestion or teaching to otherwise reach the invention disclosed therein.

CONCLUSION

For the reasons set forth above, Applicant contends that the presently pending claims 1-18 are in allowable condition and reconsideration is respectfully requested. Should the Examiner find it useful, the Examiner is invited to contact the undersigned for further discussion as would be appropriate.

Respectfully submitted,

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Dated: October 16, 2003



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